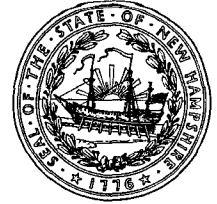


NHDES

**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 05-049**

December 09, 2005

Norbert & Patricia Duval
42 Hood Rd
Brookline, NH 03033

RE: DES Wetlands File #2005-02684 42 Hood Rd, Brookline

Dear Mr. Duval;

On November 10, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Brookline Tax Map B as Lot 29 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. A culvert had been installed in an intermittent stream.
2. A 5 foot deep well hole had been dug in the stream, at the inlet of the culvert. The dredge spoils had been stockpiled in a wetland directly adjacent to the stream.

In response, you are requested to take the following actions:

1. **Immediately** install erosion controls , such as staked hay bales, around the stockpiled dredge spoils.
2. **No later than February 1, 2006**, submit a restoration plan to DES for review and approval. Include provisions for restoring the stream channel to its original condition by replacing the dredge spoils in the hole. Submit the following with the restoration plan:
 - a. A detailed method of the type and location of erosion controls to be used prior to the start of restoration activities;
 - b. A detailed method for the removal of the fill and culvert and the location where the fill will be placed; and
 - c. The type and quantity of seed mix to be used when vegetating the disturbed area.
3. Complete the restoration plan only after receiving written approval from DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,


Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8431 6496

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Brookline Conservation Commission
Brookline Board of Selectmen
USACOE